



## THE PROCESS FOR LICENSING CHILDREN'S RESIDENTIAL FACILITIES

### THE APPLICATION PACKET

Enclosed you will find a complete application package. The application packet consists of the following:

1. The licensing application instructions, including the required attachments;
2. A proposed working budget form/ Balance sheet for private sector facilities;
3. Information on the "siting" of children's residential facilities, required by Virginia Code;
4. A staffing pattern schedule sheet;
5. A copy of the *Standards for the Regulation of Children's Residential Facilities* that includes the Interpretive Guidelines for these regulations; , and
6. Applicants can download a copy of the [Rules and Regulations to assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the](#) (The Human Rights Regulations).

Children's Residential Services (CRF) licensed by the DBHDS are required, by law and regulation, to provide "on-site" services to address the needs of residents with mental illness, intellectual disabilities, or substance use disorders. These needs may include counseling, therapy, training, habilitation or other services. For example, a children's residential service serving emotionally disturbed children must provide for counseling/therapy on site, as well as a daily structured program of care. This structured program of care should be reflected in your service description.

To begin the licensing process you must submit a written "application with attachments" addressing the following licensing regulations listed on page 8 of the application. The application will be reviewed for "subjectivity." Subjectivity is the process of reviewing what you submit to determine if licensing by DBHDS is required for your selected service.

- If the policy review specialist determines that the service to be provided by the applicant is NOT SUBJECT to licensing by DBHDS, the application will be returned to the applicant with a letter explaining that determination.
- If the application is complete, and determined to be subject to licensing by the DBHDS, but there are questions about the application, the policy review specialist will contact the applicant by **email/mail**. **While the Office of Licensing is happy to answer applicant questions regarding how the applicable regulations are interpreted, the policy review specialist is unable to provide "consulting services" to assist applicants in writing their program descriptions, policies, procedures or to develop forms.**

### Please make certain you complete the following:

1. Address each element the application and regulations request;

2. Be as specific as possible (e.g. “qualified staff” does not tell us anything; explain how staff will be qualified. “residents will be assessed” does not provide enough information, how will they be assessed, by who, using what criteria?); Resumes must be submitted.
3. Make sure job descriptions are specific to your service. Do not simply re-state DBHDS or DMAS regulations;
4. **DO not** submit information not requested;
5. **Do not submit the information in a binder or notebook**, and
6. Include the correct mailing address, email, phone number, etc.

**Please Note: These materials are not all that will be required of the applicant.**

Once completed, the application and ALL required attachments must be returned, with the required **\$500.00** application fee, (Only business checks or money orders are accepted; personal checks are not accepted) to:

The Office of Licensing  
 Department of Behavioral Health and Developmental Services  
 P.O. Box 1797  
 Richmond, VA 23218-1797  
 If you have questions please call 804-786-1747

#### **THE DBHDS LICENSING PROCESS:**

1. Submit and receive preliminary approval of the initial application, [and required attachments with \$500.00 fee];
2. Submit and receive approval of required Licensing policies, procedures and forms;
3. Set up an account with the Background Investigations Unit of the Department of Social Services, and request criminal history and central registry background investigations for identified staff as required by Virginia Code § 37.2-416 and § 63.2-1726. These must be **completed prior to licensing**, and
4. Complete an on-site review of the physical plant, to include interviews with the applicant related to the content of their service description and policies and procedures, as well as compliance with the applicable regulations.
5. Working with the Office of Human Rights, the applicant must:
  - Develop policies that are in compliance with *The Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Department of Behavioral Health and Developmental Services*, which can be found at [Human Rights Regulations](#).
  - The provider will complete the “human rights compliance verification checklist” which can be found at [Human Rights Verification Checklist](#). The provider must send in the compliance verification checklist and their complaint resolution policy to [kli.kinzie@DBHDS.virginia.gov](mailto:kli.kinzie@DBHDS.virginia.gov).
  - Within 5 working days of receipt of the “human rights verification checklist” the Office of Human Rights will notify the provider of the status of the provider’s complaint resolution policy. If approved, the provider will be referred via email to your assigned advocate . If not approved, guidance for compliance will be provided.
  - The provider’s assigned advocate will assign the provider to a Local Human Rights Committee (LHRC). The human rights advocate will schedule a visit to the program within 30 days of the initial license to review the provider’s

human rights policies for compliance and provide training on CHRIS reporting.

Starting a children's residential facility is the same as opening any small business. Many decisions about the service must be made by the applicant. While the Office of Licensing is happy to answer applicant questions regarding how applicable regulations are interpreted, it is unable to provide "consulting services" to assist applicants in understanding start up costs, what type of service to operate, whether there is a need for the service you are proposing in the area you wish to open, or in writing their service descriptions, policies, procedures or to develop forms.

#### **TIMELINE FOR REVIEW AND APPROVAL**

Opening a children's residential facility is a challenging process. Most applicants find that the process takes **up to 12 months or longer** before they receive a license. Submitting an application does not guarantee that a license will be issued. Careful planning and thoroughness in addressing regulations are critical to completing the process. All applications are reviewed in the order they are received. If the application is complete, but there are questions about the submission, OL will contact the applicant by email/mail.

#### **TRAINING FOR NEW APPLICANTS**

As part of the licensing process, new applicants are strongly encouraged to purchase a training DVD at the Licensing Central Office. The training session runs about two hours. There is a fee of seventy-five dollars (\$75.00) to cover the cost of time and materials. Payment is due in the form of a check or money order made payable to "Treasury of Virginia". You are strongly encouraged to view the DVD, with your program director, *prior* to submitting your application packet, including the application and policies and procedures. Please call 804-786-1747 to purchase.

#### **POLICIES, PROCEDURES AND FORMS**

Once the Phase I is completed, you will proceed to Phase II, where you will be required to develop Human Rights policies and procedures in compliance with [Rules and Regulations to assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the](#) (Human Rights regulations).

#### **Human Rights Policies and Procedures:**

Working with the Office of Human Rights, the applicant must:

- Develop policies that are in compliance with *The Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded or Operated by the Department of Department of Behavioral Health and Developmental Services*, which can be found at [Human Rights Regulations](#).
- The provider will complete the "human rights compliance verification checklist" which can be found at [Human Rights Verification Checklist](#). The provider must send in the compliance verification checklist and their complaint resolution policy to [kli.kinzie@DBHDS.virginia.gov](mailto:kli.kinzie@DBHDS.virginia.gov).
- Within 5 working days of receipt of the "human rights verification checklist" the Office of Human Rights will notify the provider of the status of the provider's complaint resolution policy. If approved, the provider will be referred via email to your assigned advocate . If not approved, guidance for compliance will be provided.

- The provider's assigned advocate will assign the provider to a Local Human Rights Committee (LHRC). The human rights advocate will schedule a visit to the program within 30 days of the initial license to review the provider's human rights policies for compliance and provide training on CHRIS reporting.

The Office of Human Rights can also tell the applicant who his Regional Advocate will be *Deborah Lochart* and the Office of Human Rights can be contacted by phone at 804-786-3988, by mail to 1220 Bank Street, Richmond VA 23218, via fax at 804-371-2308 or email at [Deborah.lochart@dbhds.virginia.gov](mailto:Deborah.lochart@dbhds.virginia.gov).

### **Licensing Policies and Procedures**

Applicants should carefully read the applicable Licensing regulations to determine when a written policy or procedure is required. A written policy is required when a regulation calls for a "written policy," "written documentation," "procedure," or "plan." "Policy" defines *what* the plan, or guiding principle of the organization is, as related to the regulation; "procedures" are the process (or steps) the applicant takes to ensure that the policy is carried out. Procedures should answer the questions of *who*, *where* and *how* a policy will be implemented. **Policies and procedures are not re-statements of regulations.** Applicants may also need to develop other policies to guide the delivery of services even when not required by the regulations.

If further revisions are needed to submitted policies or forms, the applicant is notified in writing. **Please Note: If the provider does not respond to the review letter within 12 months, the provider's application will be closed from further action.**

Once all Licensing policies, procedures and forms submitted and approved, a licensing specialist is assigned to complete the on-site review. **Please Note: If the provider does not contact the licensing specialist for an onsite review within 12 months then the application will be closed from further action.**

### **CRIMINAL HISTORY AND CENTRAL REGISTRY BACKGROUND CHECKS**

- Virginia Code §37.2-416 and §63.2-1726 require that all staff are subject to criminal history and central registry background checks to determine their eligibility to work with children in services licensed by the DBHDS. **After** the determination of subjectivity, the applicant should contact the Background Unit at the Department of Social Services (DSS) to obtain the procedures for completion of these background checks. **Barbara Terrell 804-726-7092** and **Doniece Black 804-726-7096** handles the criminal history background checks. These must be completed prior to being licensed.
- You will need to conduct central registry background checks directly through the Department of Social Services. Required forms can be obtained from the DSS website, [www.dss.state.va.us](http://www.dss.state.va.us), or contact either **Barbara Terrell 804-726-7092** or **Doniece Black 804-726-7096**.

### **ON-SITE INSPECTION**

When the policies, procedures, and forms have been reviewed and approved, an on-site review of the facility where services will be delivered will be scheduled. This on-site review verifies compliance with several regulations by allowing reviews of:

1. The physical plant,
2. Personnel records (which must be complete and include evidence of completed applications for employment, evidence of required training and orientation, reference checks, and evidence of requests for background investigations),

3. A “sample” client record,
4. The applicant’s knowledge of their service description and policies and procedures, and
5. The applicant will also be able to demonstrate that he has hired, trained, and oriented enough staff to begin service operation, including relief staff. In addition, the applicant will be required to submit complete and final copies of the service description, policies and procedures for the Office of Licensing to maintain on file.

Once this has been completed and the applicant is deemed to be in compliance with all applicable regulations, the Office of Licensing makes a recommendation to the Commissioner of the DBHDS regarding the issuance of a license.

#### **DENIAL OF AN APPLICATION**

The application may be denied by the Commissioner if an applicant:

1. Has failed to achieve compliance with applicable regulations within one year from the date the application has been received;
2. Violates any provision of applicable laws or regulations made pursuant to such laws;
3. Has a founded disposition of child abuse or neglect after the appeal process has been completed;
4. Has been convicted of a crime listed in Virginia Code §§ 37.2-416 and 63.2-1726;
5. Has made false statements on the application or misrepresentation of facts in the application process;
6. Has not demonstrated good character and reputation as determined through references, background investigations, driving records, and other application materials;
7. Has violated existing regulations; or
8. Has permitted, aided or abetted the commission of an illegal act in services delivered by the provider, or exhibits conduct or practices detrimental to the welfare of any individual receiving services

**Should an application be denied, applicants may have to wait at least six months before they can re-apply (Virginia Code § 37.2-418.C), and an additional \$500.00 application fee will be required.**

Providers may not begin service operation until they have received a license from the Commissioner. Only the Commissioner may issue a license.

“Completed applications” for licensing a  
**Children’s Residential Facility**  
include the following:

<b><u>REQUIRED ATTACHMENTS</u></b>	<b><i>Children’s Residential Service Reg</i></b>
1. <input type="checkbox"/> This completed Application	§ 12VAC 35-46-20.D.1
2. <input type="checkbox"/> Resumes of all Identified Staff	§ 12VAC 35-46-270.B.1
3. <input type="checkbox"/> Working Budget (appropriated revenues and projected expenses for one year)	§ 12VAC 35-46-20.D.1
4. <input type="checkbox"/> Position Descriptions	§ 12VAC 35-46-20.D.1; § 12VAC 35-46-280; § 12VAC 35-46-340 & § 12VAC 35-46-350
5. <input type="checkbox"/> Complete Service Description (including philosophy and objectives of the organization, comprehensive description of population to be served, and services to be offered, brochures, pamphlets distributed to the public, etc)	§ 12VAC 35-46-20 B [1-5] § 12VAC 35-46-180 C
6. <input type="checkbox"/> Evidence of Financial Resources to Operate the Budget for Ninety Days (an ongoing basis)	§ 12VAC 35-46-20.D.1
7. <input type="checkbox"/> A copy of the Organizational Structure	§ 12VAC 35-46-180
8. <input type="checkbox"/> Certificate of Occupancy (except home-based services)	§ 12VAC 35-46-20.D.1 § 12VAC 35-46-420 A
9. <input type="checkbox"/> Evidence of authority to conduct Business in Virginia,	§ 12VAC 35-46-20.D.1
10. <input type="checkbox"/> Staffing schedule & written staffing plan (list of staff members with designated positions, qualifications, etc.)	§ 12VAC 35-46-20.D.1 § 12VAC 35-46-320
<b><i>And for residential services:</i></b>	
11. <input type="checkbox"/> Copy of the Building floor plan, with dimensions	§ 12VAC 35-46-20.D.1
12. <input type="checkbox"/> Current Health Inspection	§ 12VAC 35-46-420 B
13. <input type="checkbox"/> Fire Inspection	§ 12VAC 35-46-420 D [1-4]
<b>Children’s Residential Service Only</b>	
14. <input type="checkbox"/> Articles of Incorporation, By- laws, & Certificate of Incorporation	§ 12VAC 35-46-20.D.1
15. <input type="checkbox"/> Articles of Incorporation, By- laws, & Certificate of Authority	§ 12VAC 35-46-20.D.1
16. Listing of board members, the Executive Committee, or public agency all members of legally accountable governing body	§ 12VAC 35-46-20-170
17. <input type="checkbox"/> References for three officers of the Board including President, Secretary and Member-at-Large	§ 12VAC 35-46-20.D.1

**INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT.**